

June 13, 2000

MEDICAL PRIVACY AMENDMENT

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Statement of HON. RON PAUL OF TEXAS

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Mr. PAUL. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. Paul: At the end of the bill, insert after the last section (preceding the short title) the following new section: **Sec.** XX. None of the funds made available in this Act may be used to promulgate or adopt any final standard under section 1173(b) of the Social Security Act (42 U.S.C. 1320d-2(b)).

The CHAIRMAN pro tempore. Pursuant to the order of the House of Monday, June 12, 2000,

the gentleman from Texas (Mr. Paul) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas (Mr. Paul).

Mr. PAUL. Mr. Chairman, I yield myself such time as I may consume.

(Mr. PAUL asked and was given permission to revise and extend his remarks.)

Mr. PAUL. Mr. Chairman, this amendment says that none of the funds in this appropriation can be used for implementing a uniform medical identifier. It is a privacy amendment. It was in the bill in 1998 and 1999. I think it would be a good idea to have it in this year's bill.

This comes from authority granted in the Health Insurance Portability Act of 1996 and it was designed to establish a medical data bank. But because many, on both sides of the aisle, have objected to this invasion of privacy to set up a medical data bank, there has been some resistance to this. Although the removal of the authority would be the proper way to solve this problem once and for all, I think that it would be very appropriate to continue the policy of not permitting any Federal funding to be spent on developing this universal medical identifier, which by all indications would be our Social Security numbers.

Many people object to this invasion of privacy. They do not place full trust in the U.S. Congress and in the U.S. Government to protect our privacy. Many say that this would not be an invasion of privacy and there would be some strict rules and regulations about how this medical information would be used, but that is not enough reassurance.

As a physician, I can tell my colleagues that this form of invasion of our medical privacy will not serve us well in medical care. What it leads to is incomplete and inaccurate medical records, because it becomes known to the patient as well as the physician that once this information is accumulated that it might get in the hands of the politicians and used for reasons other than for medical care, I think, it could damage medical care endangered from having a medical data bank set up.

The American people have spoken out strongly in recent years about their invasion of privacy. There was a proposal to implement a know-your-customer bank regulations. These were soundly rejected by the people, and I think that this same sentiment applies to the medical data bank. Also, efforts to establish a national identification card for the American people has not met with a great deal of acceptance with the American people.

So my effort here in limiting this development of a universal medical identifier is to keep the Federal Government out of this business. It is too easy for abuse of this type of information to occur. We have heard that the various administrations over the years have abused records kept in the IRS as well as the FBI. This would just be another source of information that individuals could use in a negative fashion.

I believe it is a fallacy for those who promote the setting up of a universal medical identifier and a universal medical data bank that it is an effort to simplify the process, to streamline the system, to make government more efficient, to facilitate medical research. It has also been said this could be used in law enforcement. But just think about this. If these records can be turned over without the approval of the patient to law enforcement, it really, quite clearly, is a violation of the fifth amendment of self-incrimination. So this idea that this medical bank might be beneficial for law enforcement is rather scary and something that we should prevent.

Already, under authority that was given to Health and Human Services, they have started to draw up regulations which regulate privacy matters, not so much the medical data bank but in other areas. The other thing that concerns me a great deal is these medical regulations that have been proposed not only deal with the privacy of somebody that may be receiving medical care from Medicare but also in the private sector.